

# Exhibit 18

**Exhibit 18**

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**From:** Malinsky, Jason  
**Sent:** Tuesday, November 22, 2011 12:32 PM  
**To:** 'uscis.foia@dhs.gov'  
**Cc:** Beaudoin, Kathy E.  
**Subject:** FOIA Request

**Attachments:** 2011-11-22 Letter to J Eggleston.pdf

Dear Ms. Eggleston,

Enclosed please find a letter following up on our September 29, 2011 FOIA request. A hard copy of the attached letter was mailed to you today.

Jason

**Jason A. Malinsky**  
**Morrison & Foerster LLP**  
425 Market Street | San Francisco, California 94105  
415.268.6709 | [JMalinsky@mofo.com](mailto:JMalinsky@mofo.com)



2011-11-22 Letter  
to J Egglest...

**MORRISON | FOERSTER**

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TOKYO, LONDON, BRUSSELS,  
BEIJING, SHANGHAI, HONG KONG

November 22, 2011

Writer's Direct Contact  
415.268.6709  
JMalinsky@mofo.com

**By Email and Mail**

Jill A. Eggleston  
Director, FOIA Operations  
U.S. Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
P.O. Box 648010  
Lee's Summit, MO 64064-8010

Re: Freedom on Information Act Request

Dear Ms. Eggleston:

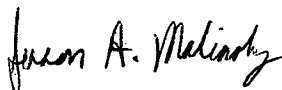
On September 29, 2011, I emailed and mailed the enclosed letter requesting information pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, on behalf of my client, the Iraqi Refugee Assistance Project. I sent the enclosed follow up letter on October 31, 2011.

As of today, I have not received any response to my request. Your failure to respond violates FOIA's requirement that you respond to my request within 20 business days. 5 U.S.C. § 552(a)(6)(A). Please respond to my request immediately.

Please also provide a tentative release date for the requested information, as required by 5 U.S.C. § 552(a)(7)(B)(ii).

Please contact me as soon as possible to discuss the enclosed FOIA request.

Sincerely,



Jason A. Malinsky  
Attorney for the Iraqi Refugee Assistance Project

Enclosures

sf-3074719

**MORRISON | FOERSTER**

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October 31, 2011

Writer's Direct Contact  
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**By Email and Mail**

Jill A. Eggleston  
Director, FOIA Operations  
U.S. Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
P.O. Box 648010  
Lee's Summit, MO 64064-8010

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Please also provide a tentative release date for the requested information, as required by 5 U.S.C. § 552(a)(7)(B)(ii).

Please contact me as soon as possible to discuss the enclosed FOIA request.

Sincerely,



Jason A. Malinsky  
Attorney for the Iraqi Refugee Assistance Project

Enclosure

sf-3065029

**MORRISON | FOERSTER**

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September 29, 2011

Writer's Direct Contact  
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**By Email and Mail**

Jill A. Eggleston  
Director, FOIA Operations  
U.S. Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

Re: Freedom of Information Act Request

Dear Ms. Eggleston:

This letter constitutes a request made pursuant to the Freedom of Information Act, 5 U.S.C. § 552, on behalf of the Iraqi Refugee Assistance Project ("IRAP").<sup>1</sup>

**I. Records Requested**

We request the following documents and information that are believed to be contained in the Worldwide Refugee Admissions Processing System ("WRAPS") file<sup>2</sup>:

- 1.) The approval and denial rates broken down by circuit ride, as well as individual circuit rider, from January 1, 2001 to present day;

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<sup>1</sup> IRAP, a public interest organization that provides individual legal representation for refugees, fact finding and policy advocacy, and overseas clinical legal education supporting refugee rights, has no commercial interest in the requested information. The information will serve the public interest by shedding light on the U.S. government's refugee system — information that will be widely disseminated upon disclosure via IRAP's website and its network of more than 300 law students, lawyers, scholars, as well as major media outlets (several of whom have already indicated an interest in the material at issue).

<sup>2</sup> Although the WRAPS file is maintained by the United States Department of State, USCIS has represented to IRAP that they provide the State Department with the raw data for the WRAPS file and regularly access the data. In light of USCIS's custody and control of the requested data, a response directing IRAP to seek this data from the State Department would be improper.

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Jill A. Eggleston  
September 29, 2011  
Page Two

- 2.) The approval and denial rates of requests for rehearings ("RFRs"), broken down by circuit ride as well as individual circuit rider, from January 1, 2001 to present day;
- 3.) The data for the above broken down by nationality, region and location;
- 4.) The reasons provided for rejections of refugee applicants by Circuit Riders from January 1, 2001 to present day.

I would like to receive the requested information in electronic format.

Please waive any applicable fees. As explained in greater detail in Part II below, release of the information is in the public interest.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

## II. Fee Waiver

A waiver of any applicable fees is appropriate here because disclosure of the requested records "is likely to contribute significantly to the public understanding of the activities or operations of the government" and we have no commercial interest in the records sought. 5 U.S.C § 552(a)(4)(A)(iii); *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003).

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**A. The requested information will reach a reasonably broad audience interested in refugee issues.**

In determining whether the request satisfies FOIA's fee waiver standard, the relevant inquiry regarding circulation of the information is "whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject." *Carney v. United States Dep't of Justice*, 19 F.3d 807, 815 (2d Cir. 1994). The requested "[i]nformation need not actually reach a broad cross-section of the public in order to benefit the public at large." *Id.* IRAP's presence at 18 major educational institutions across the country and in the Middle East, its relationships with the United Nations, non-government organizations, and law firms, as well as its established reputation as a credible source for major media outlets, all ensure that the requested information will be disseminated to a "reasonably broad audience of persons" interested in refugee issues.<sup>3</sup> Thus, IRAP's fee waiver request satisfies FOIA's dissemination requirement.

**B. Disclosure of the requested information will contribute significantly to public understanding of the operations or activities of government on refugee issues.**

The public is always well-served when it knows how government activities have been conducted. In 2009, over 60,000 refugees resettled in the United States and as many as 80,000 may be admitted in 2011.<sup>4</sup> IRAP has worked with over 1,000 individuals on their refugee cases. The information requested will help educate current and future refugee applicants who require IRAP's assistance precisely because they do not understand the refugee system.

The requested information will also contribute to scholarly work and educate students, advocates, and journalists with an interest in refugee issues. IRAP and its partners could, for example, utilize the information to complete an in-depth analysis of U.S. Government's

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<sup>3</sup> With chapters at 18 law schools, over 300 participating law students and supervising attorneys from top U.S. law firms, and referrals from 22 organizations in the Middle East, including the United Nations High Commissioner for Refugees, IRAP is recognized as a potent force in the field of refugee law. See IRAP's website for a full list of law school chapters and law firms that offer pro bono assistance: <http://iraqirefugee.us/lang/en-us/our-work/>. News organizations such as the New York Times, Miami Herald, Philadelphia Inquirer, New Yorker, National Public Radio, the Associated Press, and Reuters, among others, have turned to IRAP as source of information on refugee issues. For a complete list of press coverage, please visit: <http://iraqirefugee.us/lang/en-us/our-work/press/>.

<sup>4</sup> Source: Immigration Policy Center, *Refugees: A Fact Sheet*, available at: <http://www.immigrationpolicy.org/just-facts/refugees-fact-sheet> (site last visited on August 25, 2011).

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Jill A. Eggleston  
September 29, 2011  
Page Four

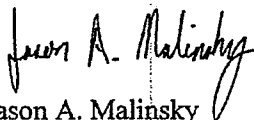
refugee program similar to what the Georgetown University Human Rights Institute accomplished with its work on asylum issues.<sup>5</sup> Unlike the Georgetown project, which built upon existing public information, the requested information does not exist in the public sphere. Disclosure of the requested information would thus allow the public to gain a fresh perspective on the workings of a government agency that plays a major role in determining whether tens of thousands of refugee applications are granted or denied every year.

In light of the array of public educational opportunities described above, disclosure of the requested information will significantly contribute to public understanding of refugee issues.

**C. IRAP has no commercial interest in the requested records.**

Congress amended FOIA in 1986 and clarified that the fee waiver provision of the statute "is to be liberally construed in favor of waivers for noncommercial requesters." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (quoting *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (quoting 132 Cong. Rec. 27, 190 (1986 (Sen. Leahy))). IRAP has no commercial interest in the requested records. The organization depends on law student volunteers, grants and donations, and pro bono legal counsel. Thus, consistent with Congressional intent, USCIS should now grant IRAP's fee waiver request.

Sincerely,



Jason A. Malinsky

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<sup>5</sup> A publicly available website, as well as a report and published book, entitled "Refugee Roulette" gathers a broad swath of asylum data gathered by the Human Rights Institute. In addition to providing access to the raw data, the website provides research tools, scholarly articles, educational resources, and examples of how the mainstream media has utilized the Institute's work.

<http://www.law.georgetown.edu/humanrightsinstitute/refugeeroulette.htm>. Refugee Roulette provides a model which IRAP intends to duplicate in the context of refugee issues and make publicly available on its website: <http://iraqirefugee.us/>.